

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/100,133 06/19/98 CONMY

D 52817.000013

021967  
HUNTON AND WILLIAMS  
1900 K STREET N W  
WASHINGTON DC 20006

TM02/0710

EXAMINER

NORMAN M	ART UNIT	PAPER NUMBER
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2163  
DATE MAILED:

07/10/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/100,133	CONMY ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Marc E. Norman	2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 20 June 2001.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-16 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

15)  Notice of References Cited (PTO-892) 18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_  
16)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 19)  Notice of Informal Patent Application (PTO-152)  
17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 20)  Other: \_\_\_\_\_

**DETAILED ACTION**

Applicant has amended each of claims 1 and 5-7 to remove the limitation related to substituting delegating means for enabling the invitee to delegate a substitute to attend the meeting in response to the invitation. Otherwise, the claims remain substantially unchanged.

***Response to Arguments***

Applicant's arguments filed 20 June 2001 have been fully considered but they are not persuasive.

As per independent claims 1 and 5-7, Applicant argues that the present invention is distinguished over the prior art because Buhrmann teaches updating the profile based on schedule data entered by a subscriber whereas the present invention updates the profile based on an invitee's response to an invitation. Applicant further argues that this distinction is significant because Buhrmann requires that a subscriber enter schedule information whereas the present invention automatically updates the profile based merely on whether an invitee accepts or declines an invitation. Examiner disagrees that this is a patently significant distinction. By accepting or rejecting an invitation, the invitee of the present invention is in fact providing scheduling information (i.e., as to whether the invitee will be attending the particular function at the particular time). The fact that the present invention automatically updates the profile based on this information does not make it patently distinct from the subscriber manually updating the profile because it was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result (i.e., that the profile is

updated) is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). Applicant's objection to the use of *In re Venner* is also rejected. Applicant has not demonstrated criticality beyond asserting that the present invention is automatic and thus does not require manual updating. To state that automating the process is critical because it makes the process automatic is a circular argument that does not overcome the case law as set forth in *In re Venner*.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Since the Applicant's amendment of independent claims 1 and 5-7 serves to broaden the claimed invention, since Applicant provides no new narrowing limitations, and since Applicant's arguments regarding the remaining limitations have been addressed above, the rejection of these claims under 35 USC 103 as set forth and made clear in the previous Office Actions (Papers 14, 9, 7 and 4) are carried forward and maintained.

Since no amendments or arguments have been presented regarding dependent claims 2-4 and 8-16, the rejections of these claims are also carried forward and maintained.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc E. Norman whose telephone number is 703-305-2711. The examiner can normally be reached on Mon.-Fri., 8:00-5:30, with first Fridays off.

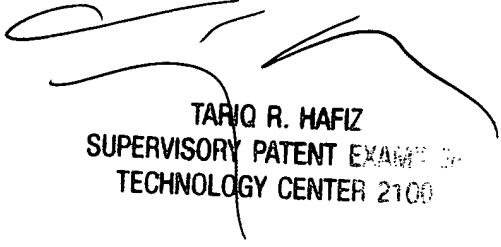
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-5551 for regular communications and 703-746-5551 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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Art Unit: 2163

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July 2, 2001



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SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100